

Senate File 2275

SENATE FILE _____
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3154)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to criminal sentencing practice and procedure.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
3 TLSB 6687SV 80
4 jm/pj/5

PAG LIN

1 1 Section 1. Section 902.12, unnumbered paragraph 1, Code
1 2 Supplement 2003, is amended to read as follows:
1 3 A person serving a sentence for conviction of the following
1 4 felonies, including a person serving a sentence for conviction
1 5 of the following felonies prior to July 1, 2003, shall be
1 6 denied parole or work release unless the person has served at
1 7 least seven-tenths of the maximum term of the person's
1 8 sentence:

1 9 Sec. 2. Section 906.15, unnumbered paragraph 1, Code 2003,
1 10 is amended to read as follows:

1 11 Unless sooner discharged, a person released on parole shall
1 12 be discharged when the person's term of parole equals the
1 13 period of imprisonment specified in the person's sentence,
1 14 less all time served in confinement. Discharge from parole
1 15 may be granted prior to such time, when an early discharge is
1 16 appropriate. The board shall periodically review all paroles,
1 17 and when the board determines that any person on parole is
1 18 able and willing to fulfill the obligations of a law-abiding
1 19 citizen without further supervision, the board shall discharge
1 20 the person from parole. A parole officer shall periodically
1 21 review all paroles assigned to the parole officer, and when
1 22 the parole officer determines that any person assigned to the
1 23 officer is able and willing to fulfill the obligations of a
1 24 law-abiding citizen without further supervision, the officer
1 25 may discharge the person from parole after notification and
1 26 approval of the district director and notification of the
1 27 board of parole. In any event, discharge from parole shall
1 28 terminate the person's sentence. However, a person convicted
1 29 of a violation of section 709.3, 709.4 or 709.8 committed on
1 30 or with a child, or a person serving a sentence under section
1 31 902.12, shall not be discharged from parole until the person's
1 32 term of parole equals the period of imprisonment specified in
1 33 the person's sentence, less all time served in confinement.

1 34 Sec. 3. Section 915.13, subsection 1, paragraph h, Code
1 35 Supplement 2003, is amended by striking the paragraph.

2 1 Sec. 4. Section 915.14, Code Supplement 2003, is amended
2 2 to read as follows:

2 3 915.14 NOTIFICATION BY CLERK OF THE DISTRICT COURT.

2 4 The clerk of the district court shall notify a registered
2 5 victim of all dispositional orders of the case in which the
2 6 victim was involved and may advise the victim of any other
2 7 orders regarding custody or confinement. ~~If a motion to~~
~~2 8 reopen the sentence has been filed pursuant to section 901.5B,~~
~~2 9 the clerk of the district court shall notify a registered~~
~~2 10 victim of the case in which the victim was involved. The~~
~~2 11 notice shall include the scheduled date, time, and place of~~
~~2 12 the hearing, and the clerk shall notify the victim of a~~
~~2 13 cancellation or postponement of any hearing regarding the~~
~~2 14 motion to reopen.~~

2 15 Sec. 5. Section 901.5B, Code Supplement 2003, is repealed.

2 16 Sec. 6. CONTROLLED SUBSTANCE PENALTY STUDY. The Iowa
2 17 state bar association is requested to establish and lead a
2 18 study committee to review the disparity of criminal penalties
2 19 related to crack cocaine, cocaine, and other controlled
2 20 substances, especially such criminal penalties classified as
2 21 serious and aggravated misdemeanors and class "C" and "D"
2 22 felonies. The members of the study committee shall include
2 23 but are not limited to representatives of the Iowa state bar

2 24 association, the attorney general, the county attorneys
2 25 association, the state public defender, the department of
2 26 corrections, the judicial district department of correctional
2 27 services, and the criminal law section of the Iowa trial
2 28 lawyers association. The study committee is requested to file
2 29 recommendations with the general assembly by December 15,
2 30 2004.
2 31 Sec. 7. CRIMINAL CODE REVISIONS == STUDY. The legislative
2 32 council is requested to establish an interim study committee
2 33 to review and propose revisions to the criminal code. In
2 34 establishing the committee, the legislative council is
2 35 requested to consider proposals for the study by the Iowa
3 1 state bar association and other appropriate agencies or
3 2 organizations. Proposals submitted to the legislative council
3 3 may address committee membership, member voting, committee
3 4 rules, the process to be used for reviewing and revising the
3 5 criminal code and other pertinent matters.
3 6 SF 2275
3 7 jm/cc/26